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March 23, 2019

The Honorable Judge Paul A. Crotty
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

***Re: 1:18-cv-05608-PAC Plaintiff's Fourth Letter Motion for Extension of Time within
Which to Effectuate Service on John Doe Defendant***

Dear Judge Crotty:

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, move for entry of an order extending the time within which Plaintiff has to serve the John Doe Defendant with a Summons and Complaint, and states:

1. Plaintiff commenced this action against the internet subscriber assigned IP 207.38.134.2 ("Defendant") on June 20, 2018, at which time it filed a complaint alleging that Defendant copied and distributed one or more of Plaintiff's copyrighted works, all without Plaintiff's consent. *See* CM/ECF 1. Plaintiff asserted a claim for direct copyright infringement, and requested that Defendant delete and permanently remove, and be enjoined from continuing to infringe, Plaintiff's copyrighted works. *See id.*

2. On July 1, 2018, Plaintiff filed its Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference [CM/ECF 11] in order to serve a third-party subpoena

on Defendant's ISP. Plaintiff's Motion currently remains pending before the Court. Without permission to serve the subpoena on the ISP, Plaintiff cannot learn the Defendant's identity and is therefore unable to proceed with its case.

3. On November 18, 2018, Plaintiff was supposed to file the Second Motion for Extension of Time requesting this Honorable Court grant a sixty-day extension to effectuate service. However, due to a clerical error, the extension was never filed. Plaintiff sincerely apologizes to this Honorable Court for the oversight.

4. On January 21, 2019 Plaintiff filed its Third Motion for Extension of Time to Effectuate Service [CM/ECF 18] and at this time, Plaintiff's Motion for Extension of Time to Effectuate Service also remains pending before this Honorable Court. Because Defendant's identity remains unknown, Plaintiff is unable to comply with the current service deadline.

5. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until at least sixty-five (65) days, or until May 31, 2019.

6. This motion is made in good faith and not for the purpose of undue delay.

7. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until May 31, 2019. A proposed order is attached for the Court's convenience.

Dated: March 23, 2019

Respectfully submitted,

By: /s/ Kevin T. Conway
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CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway